

REMARKS

Claims 1-38 and 40-63 are pending in the present application. Claims 1-37, 40, 41 and 45-63 are allowed.

Claims 38, 39 and 42-44 are rejected.

Claim 39 is canceled and all rejections directed thereto are moot.

Claim 44 is amended to depend from claim 38.

Claims 38 and 42-44 are now believed to also be in condition for allowance for the reasons set forth herein.

Claim Rejections - 35 USC § 103

Claims 38, 42, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al (USP 5,033,531).

Fischer et al. describes a filter comprising an inoculant adhered to the inner walls of the filter by a wax or related material. Adhering the inoculant to the inner walls of the filter avoids the problems associated with cast inoculants as set forth in Col. 1 of Fischer et al.

The present invention is directed to a filter and a separate inoculant pellet. Based on the teachings of Fischer et al. this is expected to be problematic and contrary to the object set forth in Fischer et al.

The Office opines that the size and shape of the claimed inoculant pellet does not patentably differ from the size and shape of the Fisher inoculant. Applicants respectfully disagree with this ascertainment. The inoculant of Fischer et al. is adhered to the interior surfaces of the filter. Assuming, *arguendo*, that the filter/pellet material represents an "inoculant pellet" one can only conclude that the size and shape of the "inoculant pellet" of Fischer et al. is substantially the same as the underlying filter. The size and shape is essentially that of a filter with internal differences owing to the adhesion of inoculant to the interior thereof.

The present claimed invention specifically sets forth a filter element and a separate inoculant pellet. The size and shape of the inoculant pellet is independent of the size and shape of the filter with the invention directed to the unique combination thereof.

In summary, the Office opines that the claims are obvious based on teachings which are contrary to the present invention. The Office further opines that the size and shape of a filter is the same as that of a separate filter and inoculant pellet. These arguments are refuted herein based on the teachings of Fischer et al. The arguments set forth by

the Office are improper and the rejection is believed to be in error.

Applicants respectfully request removal of the rejection of Claims 38, 42, 43 and 44 under 35 U.S.C. 103(a) as being unpatentable over Fisher et al

Claims 38, 42, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. as applied to claims 38, 42, 43 and 44 above and further in view of Williamson (US RE37,520).

Fischer et al. is discussed previously. In summary, Fischer et al. teaches adhering an inoculant to the inner walls of a filter element. A stated objective is to avoid the problems associated with cast inoculants.

Williamson describes, primarily, a system for making gray cast iron scrolls with an inoculant. The inoculant can be incorporated in the form of pellets as set forth by the Office.

The Office has opined that the combined teachings of Fischer et al. and Williamson render the claimed invention obvious. Applicants respectfully submit that this rejection is improper.

Assuming, *arguendo*, that one attempted to combine Fischer et al. with Williamson one would have to ignore the teachings

of at least one reference. For example, one could not utilize pellets in the teaching of Fisher et al. since they can not be incorporated into the interior of the filter. If the teachings of Fischer et al. are followed one would incorporate the inoculant into the filter and not meet the claimed limitation of a separate filter and inoculant pellet. The teachings of Fischer et al. and Williamson are mutually exclusive in that they can not both be used simultaneously.

The rejection of claims 38, 42 and 43 is improperly based on an inoperative combination of references which can not be combined unless the teachings of one, or the other, is ignored. Applicants respectfully request that the rejection of claims 38, 42, 43 and 44 under 35 U.S.C. 103(a) based on Fisher et al. as applied to claims 38, 42, 43 and 44 above and further in view of Williamson be withdrawn.

Claims 39 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teufel (US 3,881,937).

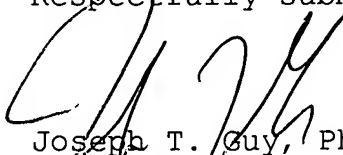
Claim 39 is canceled and all rejections directed thereto are moot.

Claim 44 depends from claim 38 and is patentable for, at least, the same reasons as claim 38.

CONCLUSIONS

Claims 1-38 and 40-63 are pending. All claims are believed to be in condition for allowance. A notice of allowance is respectfully requested.

Respectfully submitted,



January 8, 2004

Joseph T. Guy, Ph.D.
Agent for Applicants
Registration Number 35,172
NEXSEN PRUET ADAMS KLEEMEIER, LLC
P.O. Box 10648
Greenville, SC 29603
Telephone: 864-370-2211
Facsimile: 864-282-1177

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Director of the United States Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on 1-9-2004
James Secum
Date January 9, 2004